

Psychopathic Hospital, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

#### REPORT OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, May 23, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 3,

Have carefully compared same and find it correctly enrolled.

MORSE, Chairman.

Committee Room,  
Austin, Texas, May 23, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 2,

Have carefully compared same and find it correctly enrolled.

MORSE, Chairman.

#### EIGHTH DAY.

(Continued.)

(Tuesday, May 24, 1927.)

The House met at 9 o'clock a. m. and was called to order by Speaker Bobbitt.

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Teer, Senate bill No. 5 was ordered not printed.

#### COMMITTEE SUBSTITUTE ORDERED PRINTED.

On motion of Mr. Wallace of Free-stone, the committee substitute to House bill No. 6 was ordered printed instead of the original bill.

#### HOUSE BILL NO. 2 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being

H. B. No. 2, A bill to be entitled "An Act making appropriations for the various State Departments."

On its passage to engrossment, with committee amendment by Mr. Teer to the section of the bill relating to the Live Stock Sanitary Commission and substitute by Mr. Kincaid for the amendment and motion by Mr. Johnson of

Dimmit to table the substitute amendment, pending.

Mr. Rogers of Shelby raised a point of order on consideration of the provision of the bill appropriating money for hog cholera serum, on the ground that the appropriation would be illegal under the existing law.

The Speaker overruled the point of order.

Question recurring on the motion to table the substitute, it prevailed.

Question then recurring on the amendment by Mr. Teer, it was adopted.

Mr. Teer offered the following (committee) amendments to this section of the bill:

Amend House bill No. 2, page 39, line 14, by striking out the figures "\$15,000" in each year and inserting in lieu thereof the figures "\$10,000" in each year.

Amend House bill No. 2, page 39, line 22, by striking out the figures "\$50,000" in each year and insert in lieu thereof the figures "\$25,000" in each year.

The amendments were severally adopted.

Mr. Teer offered the following amendment to this section of the bill:

Amend House bill No. 2, page 38, by inserting between lines 34 and 35, the following:

"For inspectors, none to exceed \$125 per month, \$25,000 for each year. This appropriation is made to pay inspectors in all counties and parts of counties lying east and south of the following line: beginning at the mouth of the Brazos river, thence with said river to the northwest corner of Robertson county, thence in an easterly direction with the north lines of Robertson and Leon counties to the northeast corner of Leon county in the west line of Anderson county; thence in southerly direction, following west line of Anderson county to the southwest corner of said county and the northwest corner of Houston county; thence in an easterly direction with the dividing line between said counties of Anderson and Houston to the southeast corner of Anderson county; thence in a northerly direction following the east line of Anderson county, to the northwest corner of Cherokee county, same being the southwest corner of Smith county; thence in an easterly direction, following the north line of Cherokee county to the northeast corner of same, being the southeast corner of said Smith county in the west line of Rusk county; thence with the west line of Rusk county, in a northerly direction, to the northwest corner of same, said

point being the southwest corner of Gregg county; thence in an easterly direction following the north line of Rusk county to where the same intersects the south line of Harrison county; thence with the south line of Harrison county and the north line of Panola county; thence with the south line of Harrison county to the southeast corner of said Harrison county on the Louisiana State line. The Live Stock Sanitary Commission shall be required to furnish at State expense a sufficient number of inspectors to enable the live stock owners in this territory, above described, to ship or move their stock from this area, in accordance with rules and regulations of the Live Stock Sanitary Commission."

(Mr. Bonham in the chair.)

The amendment was adopted.

Mr. Teer offered the following amendment to the section of the bill relating to the Railroad Commission of Texas:

Amend House bill No. 2, page 40, line 28, by striking out the figures "\$3000" in each year, and insert in lieu thereof the figures "\$2750" in each year.

Mr. Pearce offered the following substitute for the amendment:

Amend House bill No. 2, page 40, line 28, by striking out the figures "\$3000" in the first column and inserting in lieu thereof the figures "\$2500"; also the figures "\$3000" in the second column and inserting in lieu thereof the figures "\$2500," and correct the totals accordingly.

Mr. Kennedy moved the previous question on the pending amendment, and the motion was not seconded.

Mr. Graves moved to table the substitute amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—74.

Alexander.	Graves.
Anderson.	Hagaman.
Barron.	Hall.
Bass.	Harding.
Bonham.	Harman.
Boon.	Hogg.
Brown.	Holder.
Cornwell.	Holland.
Cox.	Hornaday.
Daniel.	Johnson
Dielmann.	of Anderson.
Duvall.	Johnson
Farrar.	of Dimmit.
Faulk.	Keeton.
Fly.	Kemble.
Forbes.	Kenyon.
Foster.	Land.

Lewis.  
Lipscomb.  
Loftin.  
McCombs.  
McGill.  
McKean.  
Minor.  
Montgomery.  
Morse.  
Murphy.  
Pope.  
Powell.  
Purl.  
Rawlins.  
Rogers of Hays.  
Rogers of Shelby.  
Rowell.  
Runge.  
Sanders.  
Satterwhite.  
Shaver.  
Shearer.

Sheats.  
Simmons.  
Sinks.  
Smith of Atascosa.  
Smith of El Paso.  
Smith of Nueces.  
Snelgrove.  
Stevenson.  
Stout.  
Taylor.  
Teer.  
Tillotson.  
Turner.  
Waddell.  
Wallace of Panola.  
Wallace of Smith.  
Ware.  
Webb.  
Wells.  
Williams of Travis.  
Williamson.  
Young.

Nays—27.

Acker.  
Albritton.  
Avis.  
Barnett.  
Bird.  
Black.  
Boggs.  
Brice.  
Enderby.  
Finlay.  
Gray.  
High.  
Kennedy.  
Kincaid.  
Kirkland.

Merritt.  
Pavlica.  
Pearce.  
Renfro  
of Angelina.  
Shirley.  
Stell.  
Storey.  
Swain.  
Veatch.  
Walker.  
Williams  
of Sabine.  
Woodall.

Absent.

Bateman.  
Beck.  
Davis.  
DeBerry.  
Dunlap.  
Eickenroht.  
Gates.  
Gilbert.  
Jones.  
Justice.  
Kayton.

Long.  
Nicholson.  
Poage.  
Pool.  
Reagan.  
Smith of Smith.  
Van Zandt.  
Wallace  
of Freestone.  
Whitaker.  
Woodruff.

Absent—Excused.

Branch.  
Conway.  
Cummings.  
Denman.  
Fuchs.  
Gibson.  
Hefley.  
Jacks.  
King of Hopkins.  
King of  
Throckmorton.  
Kinnear.  
Kirby.

Loy.  
Masterson.  
Moursund.  
Nabors.  
Olsen.  
Parish of Runnels.  
Parrish of Travis.  
Petsch.  
Porter.  
Renfro of Mills.  
Smyth.  
Sutton.  
Wassell.

Question then recurring on the committee amendment, it was adopted.

Mr. Sheats offered the following amendment to this section of the bill:

Amend House bill No. 2, page 40, by striking out all of lines 29 to 35, inclusive, and insert in lieu thereof the following: "Reporter, who shall be skilled in his profession, and the general laws of Texas relating to court reporters, with respect to qualifications, duties, transcripts and fees shall apply, \$2400 each year."

Mr. Lipscomb raised a point of order on consideration of the amendment, on the ground that it seeks to enact general law in an appropriation bill.

The Speaker overruled the point of order.

Mr. McCombs moved to table the amendment by Mr. Sheats.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—82.

Alexander.	Lipscomb.
Anderson.	Long.
Barnett.	McCombs.
Barron.	McGill.
Bass.	McKean.
Bateman.	Minor.
Beck.	Morse.
Bonham.	Murphy.
Branch.	Nicholson.
Cornwell.	Pool.
Cox.	Pope.
Cummings.	Powell.
Dielmann.	Purl.
Duvall.	Rawlins.
Farrar.	Reagan.
Faulk.	Renfro
Fly.	of Angelina.
Forbes.	Rogers of Hays.
Foster.	Rogers of Shelby.
Gilbert.	Runge.
Graves.	Satterwhite.
Gray.	Shaver.
Hall.	Shearer.
Harding.	Sinks.
Hagaman.	Smith of El Paso.
Hogg.	Smith of Nueces.
Holder.	Smith of Smith.
Holland.	Smyth.
Johnson	Snelgrove.
of Dimmit.	Storey.
Johnson	Stout.
of Anderson.	Sutton.
Keeton.	Taylor.
Kemble.	Teer.
Kennedy.	Tillotson.
Kenyon.	Turner.
Kincaid.	Waddell.
Kirkland.	Wallace
Land.	of Freestone.
Lewis.	Wallace of Panola.

Wallace of Smith.	Williams of Travis.
Ware.	Williamson.
Wells.	Woodruff.
Williams	Young.
of Sabine.	

Nays—31.

Albritton.	Merritt.
Avis.	Montgomery.
Bird.	Pavlica.
Black.	Pearce.
Boggs.	Poage.
Boon.	Renfro of Mills.
Brice.	Sheats.
Daniel.	Shirley
Enderby.	Stell.
Eickenroht.	Stevenson.
Finlay.	Swain.
Harman.	Veatch.
High.	Walker.
Hornaday.	Webb.
Jones.	Whitaker.
Justice.	Woodall.

Absent.

Acker.	Kayton.
Brown.	Loftin.
Davis.	Petsch.
DeBerry.	Porter.
Dunlap.	Rowell.
Gates.	Sanders.
Hefley.	Simmons.
Jacks.	Van Zandt.

Absent—Excused.

Conway.	Loy.
Denman.	Masterson.
Fuchs.	Moursund.
Gibson.	Nabors.
King of Hopkins.	Olsen.
King of	Parish of Runnels.
Throckmorton.	Parrish of Travis.
Kinnear.	Smith of Atascosa.
Kirby.	Wassell.

Mr. Sheats raised a point of order on further consideration of the appropriation for the Gas Utilities Division, on the ground that the amount recommended by the bill exceeds the amount allowed under the existing law.

(Speaker in the chair.)

On motion of Mr. Bobbitt, by unanimous consent, further consideration of this division was temporarily postponed.

Mr. Teer offered the following amendments to the section of the bill relating to the State Reclamation Department:

Amend House bill No. 2, page 43, by striking out all of line 33.

Amend House bill No. 2, page 43, line 38, by striking out the figures "\$15,000" in each year, and insert in lieu thereof the figures "\$12,000" in each year.

The amendments were severally adopted.

Mr. Finlay offered the following amendment to the section of the bill relating to State Parks:

Amend House bill No. 2, page 45, by striking out line 40, and lines 4 and 5, page 46.

The amendment was lost.

Mr. Teer offered the following amendments to the section of the bill relating to the State penitentiaries:

Amend House bill No. 2, page 49, line 8, by striking out the figures "\$408,000" in each year, and insert in lieu thereof the figures "\$383,000" in each year.

Amend House bill No. 2, page 49, line 11, by striking out figures "\$60," and insert in lieu thereof the figures "55."

Amend House bill No. 2, page 49, line 12, by striking out the figures "\$80," and insert in lieu thereof the figures "\$70."

Amend House bill No. 2, page 49, line 14, by striking out the figures "\$37,500" in each year, and insert in lieu thereof the figures "\$35,000" in each year.

Amend House bill No. 2, page 49, line 21, by striking out the figures "\$52,500" in each year, and insert in lieu thereof the figures "\$50,000" in each year.

Amend House bill No. 2, page 49, line 22, by striking out the figures "\$63,000" in each year, and insert in lieu thereof the figures "\$60,000" in each year.

Amend House bill No. 2, page 49, line 23, by striking out the figures "\$62,500" in each year, and insert in lieu thereof the figures "\$60,000" in each year.

Amend House bill No. 2, page 49, line 24, by striking out the figures "\$22,500" in each year, and insert in lieu thereof the figures "\$20,000" in each year.

Amend House bill No. 2, page 49, line 26, by striking out the figures "\$40,000" in each year, and insert in lieu thereof the figures "\$30,000" in each year.

Amend House bill No. 2, page 49, line 27, by striking out the figures "\$45,000" in each year, and insert in lieu thereof the figures "\$40,000" in each year.

Amend House bill No. 2, page 50, line 5, by striking out the figures "\$300,000" in the year 1928 and "\$275,000" in the year 1929, and insert in lieu thereof "\$250,000" in each year.

The amendments were severally adopted.

Mr. Bonham offered the following amendment to the bill:

Amend House bill No. 2, page 50, by inserting at the end of line 37 the following: "The amounts appropriated in this act are intended to cover and shall cover the entire cost of the respective items, the same shall not be supplemented from any other source whatever,

and no portion of the money appropriated for any particular items shall be used or expended for any other item than that for which such appropriation was made; and no salary for which an appropriation is made herein shall be paid to any person unless such person actually discharges the duties of the position for which such appropriation was made; and no portion of an appropriation for one position shall be paid to any person holding any position other than that for which such appropriation was made."

Mr. Van Zandt offered the following amendment to the amendment:

Amend amendment by adding thereto the following: "Provided, that the provisions and limitations herein above set forth shall not apply to the support and maintenance of the penitentiary system of Texas."

The amendment to the amendment was adopted.

The amendment, as amended, was then adopted.

On motion of Mr. Teer, further consideration of the section of the bill relating to the Health Department was postponed until 10 o'clock a. m. tomorrow.

Mr. Teer offered the following amendment to the bill:

Amend House bill No. 2, page 10, lines 25 and 26, by striking out all of said lines 25 and 26, and inserting in lieu thereof the following: "Photostatic machine, completely installed, \$2500 in the first year. Paper and supplies for photostatic machine, \$2000 in each year. Operator for photostatic machine, \$1500 in each year." Change totals accordingly.

The amendment was adopted.

Mr. Teer offered the following amendment to the bill:

Amend House bill No. 2, page 2, by inserting between lines 10 and 11 the following: "Carl L. Estes, \$1500 in each year."

Mr. Farrar raised a point of order on consideration of the amendment, on the ground that the amendment is unconstitutional.

The Speaker sustained the point of order.

Mr. Daniel offered the following amendment to the bill:

Amend House bill No. 2, page 21, line 36, by striking out the entire line.

On motion of Mr. Anderson, the amendment was tabled.

Mr. Dielmann offered the following amendment to the bill:

Amend House bill No. 2, page 16, by

adding after line 25 a new line to read as follows:

"25a. For the purpose of enforcing laws, upkeep of free employment agencies and distribution of farm labor, \$7500 each year."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—88.

Mr. Speaker.	McGill.
Alexander.	Merritt.
Anderson.	Minor.
Barnett.	Montgomery.
Bateman.	Morse.
Beck.	Murphy.
Black.	Pavlica.
Boggs.	Pearce.
Brice.	Poage.
Brown.	Pool.
Cornwell.	Pope.
Cox.	Purl.
Cummings.	Rawlins.
Daniel.	Rowell.
Davis.	Runge.
Dielmann.	Sanders.
Faulk.	Satterwhite.
Fly.	Shaver.
Forbes.	Shearer.
Foster.	Sheats.
Fuchs.	Shirley.
Gibson.	Simmons.
Gilbert.	Sinks.
Graves.	Smith of Atascosa.
Hall.	Smith of El Paso.
Harding.	Smith of Nueces.
Hefley.	Smith of Smith.
Hogg.	Stell.
Holder.	Stevenson.
Holland.	Stout.
Hornaday.	Swain.
Jacks.	Teer.
Johnson	Tillotson.
of Anderson.	Turner.
Johnson	Van Zandt.
of Dimmit.	Wallace
Jones.	of Freestone.
Justice.	Wallace of Panola.
Kayton.	Wallace of Smith.
Keeton.	Webb.
Kemble.	Wells.
Kincaid.	Whitaker.
Kirkland.	Williams
Land.	of Travis.
Lewis.	Williamson.
Lipscomb.	Woodruff.
Long.	Young.
McCombs.	

Nays—17.

Albritton.	Boon.
Avis.	Enderby.
Bass.	Finlay.
Bird.	Kennedy.

McKean.	Veatch.
Powell.	Ware.
Renfro of Mills.	Williams
Snelgrove.	of Sabine.
Taylor.	Woodall.

Present—Not Voting.

High.

Absent.

Acker.	Loftin.
Barron.	Nicholson.
Bonham.	Petsch.
DeBerry.	Porter.
Dunlap.	Reagan.
Duvall.	Renfro
Eickenroht.	of Angelina.
Farrar.	Rogers of Hays.
Gates.	Rogers of Shelby.
Gray.	Storey.
Hagaman.	Waddell.
Harman.	Walker.

Absent—Excused.

Branch.	Masterson.
Conway.	Moursund.
Denman.	Nabors.
Kenyon.	Olsen.
King of Hopkins.	Parish of Runnels.
King of	Parish of Travis.
Throckmorton.	Smyth.
Kinnear.	Sutton.
Kirby.	Wassell.
Loy.	

Mr. Teer offered the following amendment to the bill:

Amend House bill No. 2, by inserting after line 4, page 19, the following:

"Provided that no commission or compensation shall be paid or allowed to any officer, tax collector, or employe on money collected by the supervisors provided for herein or through their efforts or instrumentality."

The amendment was adopted.

Mr. Purl offered the following amendment to the bill:

Amend House bill No. 2, page 5, by inserting between lines 32 and 33, one item, "one porter, \$600," in each column.

The amendment was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, May 24, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 28, A bill to be entitled "An Act providing for creation and or-

ganization of Road District No. 2-A in Knox county."

Respectfully,  
MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Gates:

H. B. No. 26, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against all able-bodied male citizens of Wilson county, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax, and repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Young:

H. B. No. 27, A bill to be entitled "An Act creating Road District No. 1, in Wheeler county, Texas, validating and approving all orders made by the commissioners court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Young:

H. B. No. 28, A bill to be entitled "An Act creating Road District No. 2, in Wheeler county, Texas; validating and approving all orders made by the commissioners court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners court of said

county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Young:

H. B. No. 29, A bill to be entitled "An Act creating Road District No. 3, in Wheeler county, Texas; validating and approving all orders made by the commissioners court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners court of said county in respect of said road district; bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Young:

H. B. No. 30, A bill to be entitled "An Act creating Road District No. 4, in Wheeler county, Texas; validating and approving all orders made by the commissioners court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Dielmann and Mr. Lipscomb:

H. B. No. 31, A bill to be entitled "An Act to amend Article 277, Title 5, Chapter 4, of the Code of Criminal Pro-

cedure, as adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the manner in which bail shall be taken in cases of felony and misdemeanor, and providing in cases of felony upon the affidavit of the district or county attorney, for the creation of a lien on the property of the sureties described in the bail bond, the recording of same by the county clerk, or clerks in the counties where the lands shown in said bond is situated; the release of same by the district attorney, and providing for the fee of the county clerk, to be paid by the State, for the recording and release of such bail bonds, and providing for the manner of foreclosure of the lien on the real estate shown in said bond, and providing further for surety bond in cases of felony, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

#### SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee as follows:

Senate bill No. 28, to the Committee on Highways and Motor Traffic.

#### RECESS.

Mr. Hall moved that the House recess to 2 o'clock p. m. today.

Mr. Swain moved that the House recess to 1:30 o'clock p. m. today.

The motion of Mr. Hall prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Williamson, the following bills were ordered not printed:

House bills Nos. 15, 18, 19 and Senate bill No. 28.

#### SENATE BILL NO. 2 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 2. A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the judicial department of the State government for the two-year period beginning September 1, 1927,

and ending August 31, 1929, and declaring an emergency."

The bill was read second time.

Mr. Teer offered the following (committee) amendment to the bill:

Amend Senate bill No. 2 by striking out all below the enacting clause, and insert in lieu thereof the following:

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby, appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the salaries of judges, and for the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1927, and ending August 31, 1929.

Court of Civil Appeals, First District, Galveston.

	For Years Ending Aug. 31, 1928.	Aug. 31, 1929.
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Salaries of:		
Three judges.....	\$21,000	\$21,000
Clerk .....	3,000	3,000
Deputy clerk.....	1,500	1,500
Stenographer .....	1,500	1,500
Porter .....	720	720
Books for library.....	800	800
Record books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses.	600	600
Fuel and lights.....	350	350
Furniture and typewriters .....	200	100
Totals .....	\$29,670	\$29,570

Court of Civil Appeals, Second District, Fort Worth.

Salaries of:		
Three judges.....	\$21,000	\$21,000
Clerk .....	3,000	3,000
Deputy clerk.....	1,500	1,500
Stenographer .....	1,500	1,500
Porter .....	720	720
Books for library.....	800	800
Record books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses.	650	650
Repairs on furniture..	50	50
Bookcases for library.	500	
Binding library books.	500	
Furniture and fixtures	250	250
Totals .....	\$30,470	\$29,470

Court of Civil Appeals, Third District,  
Austin.

	For Years Ending	
	Aug. 31, 1928.	Aug. 31, 1929.
Salaries of:		
Three judges.....	\$21,000	\$21,000
Clerk .....	3,000	3,000
Deputy clerk.....	1,500	1,500
Stenographer .....	1,500	1,500
Porter .....	720	720
Record books, station- ery, ice, telephone, telegraph, express, postage, box rent and contingent expenses.	800	800
Books for library.....	400	400
Typewriters .....	250	
Renovation of quarters, including refinishing walls, woodwork and furniture, floor cover- ings and new furni- ture .....	1,000	
Totals .....	\$30,170	\$28,920

Court of Civil Appeals, Fourth District,  
San Antonio.

Salaries of:		
Three judges.....	\$21,000	\$21,000
Clerk .....	3,000	3,000
Deputy clerk.....	1,500	1,500
Stenographer .....	1,500	1,500
Porter .....	720	720
Record books, station- ery, ice, telephone, telegraph, express, postage, box rent and contingent expenses..	750	750
Books for library....	500	500
Furniture .....	100	100
Totals .....	\$29,070	\$29,070

Court of Civil Appeals, Fifth District,  
Dallas.

Salaries of:		
Three judges.....	\$21,000	\$21,000
Clerk .....	3,000	3,000
Deputy clerk.....	1,500	1,500
Stenographer .....	1,500	1,500
Porter .....	720	720
Books for library....	800	800
Record books, station- ery, ice, telephone, telegraph, express, postage, box rent and contingent expenses.	650	650
Total .....	\$29,170	\$29,170

Court of Civil Appeals, Sixth District,  
Texarkana.

	For Years Ending	
	Aug. 31, 1928.	Aug. 31, 1929.
Salaries of:		
Three judges.....	\$21,000	\$21,000
Clerk .....	3,000	3,000
Deputy clerk.....	1,500	1,500
Stenographer .....	1,500	1,500
Porter .....	720	720
Bookcases for library.	100	100
Record books, station- ery, ice, telephone, telegraph, express, postage, box rent and contingent expenses.	750	750
Light and fuel.....	300	300
Books for library and subscription .....	750	750
Typewriters .....	100	150
Filing cases.....	100	
Furniture and desks..	100	150
Totals .....	\$29,920	\$29,920

Court of Civil Appeals, Seventh District,  
Amarillo.

Salaries of:		
Three judges.....	\$21,000	\$21,000
Clerk .....	3,000	3,000
Deputy clerk.....	1,500	1,500
Stenographer .....	1,500	1,500
Porter .....	720	720
Books for library....	800	800
Record books, station- ery, ice, telephone, telegraph, express, postage, box rent, con- tingent and fuel...	700	700
Totals .....	\$29,220	\$29,220

Court of Civil Appeals, Eighth District,  
El Paso.

Salaries of:		
Three judges.....	\$21,000	\$21,000
Clerk .....	3,000	3,000
Deputy clerk.....	1,500	1,500
Stenographer .....	1,500	1,500
Porter .....	720	720
Books for library....	800	800
Typewriters .....	100	100
Furniture .....	100	100
Record books, station- ery, ice, telephone, telegraph, express, postage, box rent and contingent expenses.	700	700
Steel book rack.....	250	
Totals .....	\$29,670	\$29,420

Court of Civil Appeals, Ninth District,  
Beaumont.

	For Years Ending Aug. 31, 1928.	Aug. 31, 1929.
Salaries of:		
Three judges .....	\$21,000	\$21,000
Clerk .....	3,000	3,000
Deputy clerk .....	1,500	1,500
Stenographer .....	1,500	1,500
Porter .....	720	720
Books for library .....	500	500
Record books, stationery, ice, telegraph, telephone, express, postage, box rent, laundry and contingent expenses .....	600	600
Filing cases .....	200	
Totals .....	\$29,020	\$28,820

Court of Civil Appeals, Tenth District,  
Waco.

Salaries of:		
Three judges .....	\$21,000	\$21,000
Clerk .....	3,000	3,000
Deputy clerk .....	1,500	1,500
Stenographer .....	1,500	1,500
Porter .....	720	720
Books for library .....	1,000	1,000
Record books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses .....	800	800
Typewriters .....	100	100
Filing cases and furniture .....	250	250
Totals .....	\$29,870	\$29,870

Court of Civil Appeals, Eleventh District,  
Eastland.

Salaries of:		
Three judges .....	\$21,000	\$21,000
Clerk .....	3,000	3,000
Deputy clerk .....	1,500	1,500
Stenographer .....	1,500	1,500
Porter .....	720	720
Record books, stationery, ice, telegraph, telephone, express, postage, box rent and contingent expenses .....	600	600
Typewriters .....	100	100
Fuel and lights .....	300	300
Furniture and fixtures .....	500	
Library and upkeep .....	500	500
Totals .....	\$29,720	\$29,220

## Supreme Court.

	For Years Ending Aug. 31, 1928.	Aug. 31, 1929.
Salaries of:		
Three judges .....	\$24,000	\$24,000
Clerk .....	2,500	2,500
Reporter .....	3,000	3,000
Three law clerks and stenographers .....	5,400	5,400
Assistant librarian and marshal .....	1,500	1,500
Porter for judges' rooms .....	720	720
Porter for court room, clerk's office and library .....	720	720
Furniture, record books, stationery, typewriters, postage and express .....	2,000	2,000
Book cases for library .....	2,000	
Purchase of law books selected by the court, and for rebinding .....	3,000	3,000
Contingent expenses .....	300	300
Deputy clerk, acting as secretary to Board of Legal Examiners, shall receive \$1000 per annum; paid monthly out of fees of clerk's office.		
Totals .....	\$45,140	\$43,140

Commission of Appeals, Sections  
A and B.

Salaries of:		
Six judges .....	\$42,000	\$42,000
Two stenographers .....	3,000	3,000
Porter .....	720	720
Record books, rental and purchase of law books; stationery, furniture, telephone, postage and contingent expenses .....	1,500	1,500
Totals .....	\$47,220	\$47,220

## Court of Criminal Appeals, Austin.

Salaries of:		
Three judges .....	\$24,000	\$24,000
Clerk .....	3,000	3,000
Bailiff and secretary .....	1,800	1,800
Two secretaries .....	3,600	3,600
Court reporter .....	4,000	4,000
Porter .....	720	720
Postage and box rent .....	250	250
Law books .....	500	500
Record books and stationery .....	800	800

		For the Years Ending	
		August 31, 1928.	August 31, 1929.
Contingent expenses ..	200	200	
Furniture, file cases and pictures of deceased judges .....	300	300	
Telephones .....	200	200	
Filing envelopes.....	500		
Typewriters .....	250		
Totals .....	\$40,120	\$39,370	
State's Attorney Before Court of Criminal Appeals.			
State's Attorney ....	\$ 3,600	\$ 3,600	
Assistant State's Attorney .....	3,000	3,000	
Law clerk and stenographer .....	1,800	1,800	
Furniture and book cases .....	100	100	
Commission of Appeals to Aid Court of Criminal Appeals.			
Two commissioners...	\$14,000	\$14,000	
Stenographer .....	1,800	1,800	
Law books.....	250	250	
Telephones .....	120	120	
Furniture and contingent expenses.....	150	150	
One set Southwestern Reports .....	526		
Totals .....	\$16,846	\$16,320	

## Judiciary—Comptroller's Department.

		For the Years Ending	
		August 31, 1928	August 31, 1929
One hundred and three district judges.....	\$	515,000.00	\$ 515,000.00
Forty-nine district attorneys.....		24,500.00	24,500.00
Expenses judges and district attorneys, as allowed by Thirty-eighth Legislature, payable in quarterly installments.....		45,000.00	45,000.00
Five criminal district attorneys.....		2,500.00	2,500.00
Assistant district attorney in El Paso and Bexar counties .....		2,500.00	2,500.00
Criminal district judges (six) after January 1, 1928, seven .....		33,333.33	35,000.00
Expenses of attached witnesses and witness fees and mileage allowed witnesses in felony cases, who reside in counties other than the county in which the cause is being tried.....		300,000.00	300,000.00
Fees of county attorneys, justices of peace, sheriffs and constables in examining trials.....		125,000.00	125,000.00
Fees and costs of sheriffs, attorneys and clerks in felony cases .....		700,000.00	700,000.00
Fees, costs and per diem of forty-nine district attorneys, 175 days at \$20 per day.....		171,500.00	171,500.00
Special judges.....		15,000.00	15,000.00
Expenses of district judges for holding court out of their own counties.....		2,500.00	2,500.00
To pay special judges of Supreme Court, Courts of Criminal and Civil Appeals, where disqualification of the regular judge exists, and special judges are appointed .....		5,000.00	5,000.00
To pay fees and costs of officials in cases of escheated estates, including cases on which such costs and fees have already accrued and are owing by the State.....		100.00	100.00
For the payment of transcript in cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action, and where the official reporter is required			

	For Years Ending	
	Aug. 31, 1928.	Aug. 31, 1929.
and does furnish the attorney for the defendant (if convicted) with a transcript of his notes, as is provided by law.....	2,500.00	2,500.00
To pay district attorney and two assistants, El Paso District .....	12,300.00	12,300.00
To pay district attorney, Thirtieth Judicial District, as per House bill No. 98, Acts Regular Session, Fortieth Legislature .....	2,500.00	2,500.00
Totals .....	\$ 1,959,233.33	\$ 1,960,900.00

Provided that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue for the judiciary during the fiscal years beginning September 1, 1927, and ending August 31, 1929, and no surplus shall be diverted from one account to another.

Provided that all accounts under this section, which require the approval of any district judge, shall be examined by the Comptroller, and, if correct, he shall issue his warrant therefor, but if he shall find same incorrect, in whole or in part, he may cause an audit of same to be made before warrant is issued.

Provided that the Governor, in case of an extraordinary emergency, may authorize a deficiency for such purpose or purposes which could not have been anticipated or provided for by the Legislature. All moneys appropriated by this Act shall remain in the State Treasury and be paid out only as it is expended, or as the necessity or emergency may require.

Provided, that it shall be the duty of the clerks of the various courts above mentioned, on the first Monday in July, October, January and April of each year, to make a report to the Comptroller, showing the amount of fees collected each quarter, giving the number of cases, but not necessarily the style of case, together with the fees from other sources, stating in each instance the source.

Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys, and all others, for all unofficial and certified copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employees thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employees to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge; and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas.

Provided, that each and every employe under this Act shall be paid by voucher, issued in his or her name; said voucher shall state the amount of salary or sum due, and for what services performed, with the date and time of such service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers indorsed by the payee.

Sec. 2. The fact that the above and foregoing is one of the regular appropriation bills for the support of the State government for the two fiscal years beginning September 1, 1927, and ending August 31, 1929, creates a necessity for the expediting of the passage of this appropriation bill, and, therefore, creates an emergency and an imperative public necessity which demands that the rule requiring bills to be read on three several days be suspended, and that this bill become effective from and after its passage, and it is so enacted.

#### Recapitulation.

	For the Years Ending	
	August 31, 1928	August 31, 1929
Court of Civil Appeals, First District.....	\$ 29,670.00	\$ 29,570.00
Court of Civil Appeals, Second District.....	30,470.00	29,470.00
Court of Civil Appeals, Third District.....	30,170.00	28,920.00
Court of Civil Appeals, Fourth District.....	29,070.00	29,070.00
Court of Civil Appeals, Fifth District.....	29,170.00	29,170.00
Court of Civil Appeals, Sixth District.....	29,920.00	29,920.00

	For the Years Ending	
	August 31, 1928	August 31, 1929
Court of Civil Appeals, Seventh District.....	29,220.00	29,220.00
Court of Civil Appeals, Eighth District.....	29,670.00	29,420.00
Court of Civil Appeals, Ninth District.....	29,020.00	28,820.00
Court of Civil Appeals, Tenth District.....	29,870.00	29,870.00
Court of Civil Appeals, Eleventh District.....	29,720.00	29,220.00
Supreme Court .....	45,140.00	43,140.00
Commission of Appeals, Sections A and B.....	47,220.00	47,220.00
Court of Criminal Appeals.....	40,120.00	39,370.00
State's Attorney before Court of Criminal Appeals..	8,785.00	8,785.00
Commission of Appeals, to aid Court of Criminal Appeals .....	16,846.00	16,320.00
Judiciary, Comptroller's Department.....	1,959,233.33	1,960,900.00
Grand totals.....	\$ 2,443,314.33	\$ 2,438,405.00
Grand total for biennium.....	\$ 4,881,719.33	

The amendment was adopted.

Mr. Daniel, by unanimous consent, offered the following amendment to the bill:

Amend House bill No. 1 by changing on page 10, line 6, "district attorney" to read "assistant district attorney."

The amendment was adopted.

Mr. Veatch offered the following amendment to the bill:

Amend House bill No. 1, page 1, line 26, by striking out "\$21,000" for each year, and insert in lieu thereof "\$15,000" for each year.

Mr. Storey raised a point of order on further consideration of the amendment, on the ground that the salary of judges is fixed by statute and cannot be changed by an appropriation bill.

The Speaker sustained the point of order.

Mr. Fly moved to reconsider the vote by which the (committee) amendment by Mr. Teer was adopted.

Mr. Kemble moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—50.

Anderson.	Gilbert.
Barron.	Harding.
Bass.	Hogg.
Beck.	Holland.
Bird.	Jacks.
Cornwell.	Johnson
Cummings.	of Anderson.
Daniel.	Jones.
Dielmann.	Kemble.
Dunlap.	Kenyon.
Duvall.	Land.
Forbes.	Lewis.
Foster.	Lipscomb.
Gibson.	McCombs.

Minor.  
Montgomery.  
Morse.  
Pool.  
Porter.  
Powell.  
Rawlins.  
Renfro of Mills.  
Rowell.  
Sanders.  
Shaver.

Shearer.  
Shirley.  
Sinks.  
Smith of El Paso.  
Smyth.  
Storey.  
Stout.  
Van Zandt.  
Waddell.  
Williamson.  
Woodruff.

Nays—62.

Acker.  
Albritton.  
Avis.  
Barnett.  
Bateman.  
Black.  
Boggs.  
Bonham.  
Branch.  
Brice.  
Brown.  
Davis.  
Enderby.  
Eickenroht.  
Farrar.  
Faulk.  
Finlay.  
Fly.  
Graves.  
Gray.  
Hagaman.  
Hefley.  
High.  
Holder.  
Hornaday.  
Johnson  
of Dimmit.  
Justice.  
Keeton.  
Kennedy.  
Kincaid.  
Kirkland.  
Long.

McGill.  
McKean.  
Merritt.  
Pavlica.  
Pearce.  
Poage.  
Pope.  
Purl.  
Renfro  
of Angelina.  
Rogers of Hays.  
Rogers of Shelby.  
Satterwhite.  
Sheats.  
Simmons.  
Smith of Nueces.  
Stell.  
Stevenson.  
Swain.  
Taylor.  
Tillotson.  
Turner.  
Veatch.  
Walker.  
Wallace of Panola.  
Ware.  
Webb.  
Williams  
of Sabine.  
Williams  
of Travis.  
Woodall.  
Young.

## Absent.

Alexander.	Parrish of Travis.
Boon.	Petsch.
Cox.	Runge.
DeBerry.	Smith of Smith.
Gates.	Snelgrove.
Hall.	Teer.
Harman.	Wallace
Kayton.	of Freestone.
King of Hopkins.	Wallace of Smith.
Loftin.	Wells.
Murphy.	Whitaker.
Nicholson.	

## Absent—Excused.

Conway.	Moursund.
Denman.	Nabors.
Fuchs.	Olsen.
King of	Parish of Runnels.
Throckmorton.	Reagan.
Kinnear.	Smith of Atascosa.
Kirby.	Sutton.
Loy.	Wassell.
Masterson.	

Question then recurring on the motion to reconsider the vote by which the amendment was adopted, it prevailed.

Mr. Farrar offered the following amendment to the amendment:

Amend House bill No. 1 by striking out all of line 13, page 9.

Mr. Jacks offered the following substitute for the amendment:

Amend House bill No. 1 by combining lines 13, 14, 15 and 16, and adding the words "salaries and" between the words "judges" and "expenses," page 9, and substituting the figures "\$15,000" in each column for the figures "\$15,000" and "\$2500."

Question recurring on the substitute amendment, yeas and nays were demanded.

The substitute amendment was adopted by the following vote:

## Yeas—98.

Mr. Speaker.	Duvall.
Albritton.	Eickenroht.
Alexander.	Finlay.
Anderson.	Fly.
Bass.	Forbes.
Bateman.	Foster.
Beck.	Gibson.
Black.	Graves.
Boggs.	Hagaman.
Branch.	Hall.
Brice.	Harding.
Cornwell.	Harman.
Cummings.	Hefley.
Daniel.	High.
Davis.	Hogg.
DeBerry.	Holder.
Dielmann.	Holland.

Hornaday.  
Jacks.  
Johnson  
of Anderson.  
Jones.  
Keeton.  
Kemble.  
Kennedy.  
Kenyon.  
Land.  
Lewis.  
Lipscomb.  
Loftin.  
Long.  
McCombs.  
McGill.  
Merritt.  
Minor.  
Montgomery.  
Morse.  
Nabors.  
Nicholson.  
Parrish of Travis.  
Pavlica.  
Pearce.  
Petsch.  
Poage.  
Pool.  
Pope.  
Porter.  
Powell.  
Purl.  
Rawlins.  
Renfro  
of Angelina.

Renfro of Mills.  
Rogers of Hays.  
Satterwhite.  
Shaver.  
Shearer.  
Sheats.  
Shirley.  
Simmons.  
Sinks.  
Smith of El Paso.  
Smith of Nueces.  
Smith of Smith.  
Smyth.  
Storey.  
Stout.  
Swain.  
Taylor.  
Teer.  
Tillotson.  
Turner.  
Van Zandt.  
Veatch.  
Waddell.  
Wallace of Panola.  
Wallace of Smith.  
Webb.  
Wells.  
Whitaker.  
Williams  
of Sabine.  
Williams  
of Travis.  
Williamson.  
Woodruff.  
Young.

## Nays—15.

Avis.	McKean.
Barnett.	Rogers of Shelby.
Enderby.	Rowell.
Faulk.	Stell.
Gilbert.	Walker.
Gray.	Ware.
Kincaid.	Woodall.
Kirkland.	

## Absent.

Acker.	Justice.
Barron.	Kayton.
Bird.	King of Hopkins.
Bonham.	Murphy.
Boon.	Runge.
Brown.	Sanders.
Cox.	Snelgrove.
Dunlap.	Stevenson.
Farrar.	Wallace
Gates.	of Freestone.
Johnson	
of Dimmit.	

## Absent—Excused.

Conway.	Kinnear.
Denman.	Kirby.
Fuchs.	Loy.
King of	Masterson.
Throckmorton.	Moursund.

Olsen.  
Parish of Runnels.  
Reagan.

Smith of Atascosa.  
Sutton.  
Wassell.

Question then recurring on the amendment by Mr. Farrar, as substituted, it was adopted by the following vote:

Yeas—96.

Mr. Speaker.	Montgomery.
Albritton.	Morse.
Alexander.	Nabors.
Anderson.	Nicholson.
Avis.	Parrish of Travis.
Bass.	Pavlica.
Bateman.	Pearce.
Beck.	Poage.
Black.	Pope.
Boggs.	Porter.
Branch.	Powell.
Brice.	Purl.
Cornwell.	Rawlins.
Cummings.	Renfro
Daniel.	of Angelina.
Dielmann.	Rogers of Hays.
Duvall.	Rowell.
Farrar.	Satterwhite.
Faulk.	Shaver.
Finlay.	Shearer.
Fly.	Sheats.
Forbes.	Shirley.
Foster.	Simmons.
Gibson.	Sinks.
Gilbert.	Smith of El Paso.
Hagaman.	Smith of Nueces.
Hall.	Smith of Smith.
Harding.	Smyth.
Harman.	Storey.
High.	Stout.
Hogg.	Swain.
Holder.	Taylor.
Holland.	Teer.
Hornaday.	Tillotson.
Jacks.	Turner.
Johnson	Van Zandt.
of Anderson.	Waddell.
Jones.	Walker.
Keeton.	Wallace of Panola.
Kemble.	Wallace of Smith.
Kennedy.	Webb.
Kenyon.	Wells.
Kirkland.	Whitaker.
Land.	Williams of Sabine.
Lewis.	Williams of Travis.
Long.	Williamson.
McCombs.	Woodall.
McGill.	Woodruff.
Merritt.	Young.
Minor.	

Nays—9.

Barnett.	McKean.
Enderby.	Rogers of Shelby.
Graves.	Stell.
Gray.	Ware.
Kincaid.	

Absent.

Acker.	Kayton.
Barron.	King of Hopkins.
Bird.	Lipscomb.
Bonham.	Loftin.
Boon.	Murphy.
Brown.	Petsch.
Cox.	Pool.
Davis.	Renfro of Mills.
DeBerry.	Runge.
Dunlap.	Sanders.
Eickenroht.	Snelgrove.
Gates.	Stevenson.
Hefley.	Veatch.
Johnson	Wallace
of Dimmit,	of Freestone.
Justice.	

Absent—Excused.

Conway.	Masterson.
Denman.	Moursund.
Fuchs.	Olsen.
King of	Parish of Runnels.
Throckmorton.	Reagan.
Kinnear.	Smith of Atascosa.
Kirby.	Sutton.
Loy.	Wassell.

Mr. Finlay offered the following amendment to the amendment:

Amend House bill No. 1, page 11, after the word "payee," in line 12, the following: "Provided, that the increase in salaries of all judges allowed in Senate bill No. 25, passed by the Regular Session of the Fortieth Legislature, shall not be effective until after the general election in 1928."

Signed—Finlay, Veatch, Graves, Avis.

Mr. Storey raised a point of order on further consideration of the amendment, on the ground that the salaries of judges is fixed by law and cannot be changed by an appropriation bill.

The Speaker sustained the point of order.

Mr. Finlay appealed from the ruling of the Chair, and the appeal was not seconded.

Mr. Harman offered the following amendment to the amendment:

Amend House bill No. 1, page 10, line 33, by striking out the word "year," and insert in lieu thereof the word "quarter."

The amendment to the amendment was adopted.

Mr. Davis offered the following amendment to the amendment:

Amend House bill No. 1 by adding after line 13, page 9, the following: "Provided that whenever any judge shall fail to perform his duties and be absent therefrom a sufficient length of time to require the election of a special judge, such special judge, and he only,

shall receive the salary or compensation for such time as he may serve."

Mr. Loftin raised the point of order on further consideration of the amendment on the ground that the amendment was not germane because it seeks to enact general law in an appropriation bill.

The Speaker sustained the point of order.

Mr. Pearce moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the (committee) amendment as amended, it was adopted.

Senate bill No. 2 was then passed to third reading.

#### MOTION TO TAKE UP SENATE BILL NO. 2.

Mr. Teer moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 2 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—93.

Mr. Speaker.	Jacks.
Alexander.	Johnson
Anderson.	of Anderson.
Barron.	Jones.
Bass.	Kayton.
Bateman.	Keeton.
Beck.	Kemble.
Bird.	Kenyon.
Black.	Land.
Boggs.	Lewis.
Bonham.	Lipscomb.
Branch.	Loftin.
Cornwell.	Long.
Cummings.	McCombs.
Daniel.	McGill.
Dielmann.	Minor.
Dunlap.	Montgomery.
Duvall.	Morse.
Fly.	Nabors.
Forbes.	Nicholson.
Foster.	Parrish of Travis.
Gibson.	Pearce.
Gilbert.	Petsch.
Gray.	Pool.
Hagaman.	Pope.
Hall.	Porter.
Harding.	Powell.
Harman.	Purl.
Hefley.	Rawlins.
High.	Renfro of Mills.
Hogg.	Rogers of Hays.
Holder.	Rogers of Shelby.
Holland.	Rowell.
Hornaday.	Sanders.

Satterwhite.  
Shaver.  
Shearer.  
Sheats.  
Sinks.  
Smith of El Paso.  
Smith of Nueces.  
Smith of Smith.  
Smyth.  
Stevenson.  
Storey.  
Stout.  
Teer.

Tillotson.  
Turner.  
Van Zandt.  
Waddell.  
Wallace of Smith.  
Ware.  
Webb.  
Wells.  
Whitaker.  
Williams of Sabine.  
Williams of Travis.  
Williamson.  
Woodruff.

Nays—24.

Albritton.	Kirkland.
Avis.	McKean.
Barnett.	Merritt.
Brice.	Pavlica.
DeBerry.	Poage.
Enderby.	Shirley.
Eickenroht.	Snelgrove.
Faulk.	Stell.
Finlay.	Swain.
Graves.	Taylor.
Justice.	Walker.
Kennedy.	Woodall.

Present—Not Voting.

Farrar.

Absent.

Acker.	Murphy.
Boon.	Renfro
Brown.	of Angelina.
Cox.	Runge.
Davis.	Simmons.
Gates.	Veatch.
Johnson	Wallace
of Dimmit.	of Freestone.
Kincaid.	Wallace of Panola
King of Hopkins.	Young.

Absent—Excused.

Conway.	Masterson.
Denman.	Moursund.
Fuchs.	Olsen.
King of	Parish of Runnels.
Throckmorton.	Reagan.
Kinnear.	Smith of Atascosa.
Kirby.	Sutton.
Loy.	Wassell.

#### ADDRESS BY HON. CATO SELLS.

Mr. Kemble offered the following resolution:

Whereas, The Hon. Cato Sells, Commissioner of Indian Affairs during the Wilson administration, is now on the floor of the House; and

Whereas, The Hon. Cato Sells is an influential character in both Texas and the United States, and is known among millions of Indians as "The Great White Father"; now, therefore, be it

Resolved, That he be invited to address the House.

The resolution was read second time and was adopted.

Speaker Bobbitt then introduced Hon. Cato Sells to the House.

Mr. Sells then addressed the House.

#### RELATING TO PASSAGE OF CERTAIN BILL.

Mr. Finlay offered the following resolution:

Whereas, At the last Regular Session of the Fortieth Legislature, Senate bill No. 25, having passed both houses, raising the salaries of the judges of the State; and

Whereas, It was generally understood that the raise would not be effective until after the next regular general election; therefore, be it

Resolved, That the House of Representatives go on record as opposing this raise taking effect until that time.

The resolution was read second time.

Mr. DeBerry raised a point of order on further consideration of the resolution at this time, on the ground that it is not a privileged resolution.

The Speaker sustained the point of order.

#### ADJOURNMENT.

On motion of Mr. Satterwhite, the House, at 3:41 o'clock p. m., adjourned until 3:42 o'clock p. m., Tuesday, May 24.

#### APPENDIX.

#### STATEMENT BY BOARD OF CONTROL.

On motion of Mr. Purl, the following statement was ordered printed in the Journal:

State Board of Control.  
Austin, Texas, May 23, 1927.

Hon. Geo. Purl, Member, House of Representatives, Austin, Texas.

Dear Mr. Purl: Complying with your request for statement as to the State Departments which have reported expenditures quarterly to this office, in compliance with Chapter 196, Acts of the Regular Session of the Thirty-ninth Legislature, beg to advise that the following Departments have made reports of expenditures to the Board of Control on the dates set forth opposite their names:

Executive Department—December 31, 1925.

Board of Water Engineers—December 31, 1925; March 31, 1926.

State Insurance Commission—November 30, 1925.

Attorney General's Department—September, 1925; January 1, 1926; April 1, 1926; July 1, 1926; October 1, 1926; January 1, 1927; April 1, 1927.

Department of Agriculture—December 31, 1925; March 1, 1927.

Department of Education—October 1, 1925.

Bureau of Labor Statistics—March, 1926; June, 1926; September, 1926; December, 1926.

Insurance Department—October 1, 1925; January 1, 1926; April 1, 1926.

Railroad Commission of Texas—December 31, 1925; March 31, 1926; June 30, 1926; September 30, 1926; December 31, 1926; March 31, 1927.

Texas State Library—June, 1926.

Department of Banking—June 30, 1926; September 30, 1926; December 31, 1926.

Texas State Board of Health—March 31, 1927.

If there is any way in which we may serve you further, do not hesitate to command.

Very truly yours,

S. M. RAMSEY,  
Secretary to the Board.

#### STANDING COMMITTEE REPORTS.

The following committee has today filed favorable reports on bills as follows:

Appropriations: Senate bill No. 16 and House bills Nos. 12 and 8.

#### NINTH DAY.

(Tuesday, May 24, 1927.)

The House met at 3:42 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called and the following members were present:

Acker.	Boggs.
Albritton.	Bonham.
Alexander.	Branch.
Anderson.	Brice.
Avis.	Brown.
Barnett.	Cornwell.
Barron.	Cox.
Bass.	Cummings.
Bateman.	Daniel.
Beck.	Davis.
Bird.	DeBerry.
Black.	Dielmann.